

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-24838-CIV-LENARD/ELFENBEIN

RAMINDESIGN, LLC,

Plaintiff,

v.

**JACEK SKARZYNSKI and,
OLGA SKARZYNSKI**

Defendants.

_____ /

JACEK SKARZYNSKI,
Counter-Plaintiff,

v.

RAMINDESIGN, LLC,
a Florida limited liability company,
RAMINDESIGN + DEVELOPMENT, LLC,
a Florida limited liability company,
LHF CONSTRUCTION, INC., a Florida corporation,
and **LARRY FEDER,** an individual,
Counter-Defendants.

_____ /


ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE is before the Court on the Report and Recommendations of Magistrate Marty F. Elfenbein, (“Report,” D.E. 143), issued on January 23, 2025, recommending the Court grant in part and deny in part Ramindesign, LLC’s Motion to Strike Defendants Jacek and Olga Skarzynski’s Affirmative Defenses. (D.E. 122). The Report provides the Parties with fourteen (14) days to file objections. As of the date of this

Order, no objections have been filed. Failure to file objections shall bar parties from attacking on appeal the factual findings contained in the report. *See Resolution Trust Corp. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993). Therefore, after an independent review of the Report and record, it is **ORDERED AND ADJUDGED** that:

1. The Report and Recommendation (D.E. 143) is **ADOPTED**;
2. Ramindesign LLC's Motion to Strike (D.E. 122) the Second Amended Answer's First, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, and Fourteenth Affirmative Defenses is **DENIED**;
3. The Second Amended Answer's Seventh and Eighth Affirmative Defenses shall be treated as specific denials;
4. Ramindesign LLC's Motion to Strike (D.E. 122) the Second Amended Answer's Second Affirmative Defense is **GRANTED**; and
5. The Second Affirmative Defense (D.E. 120 at 12) is **STRICKEN WITHOUT PREJUDICE**. Defendants Jacek and Olga Skarzynski are granted **14 days** from the date of this Order to amend this affirmative defense by filing a Third Amended Answer that remedies the pleading violations identified in the Report. Failure to do so may result in the Second Affirmative Defense being stricken with prejudice without further notice.

DONE AND ORDERED in Chambers at Miami, Florida this 13th day of February,
2025.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE